



# Maine and New Hampshire Area Contingency Plan

## INTRODUCTION

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### 1000 INTRODUCTION

Area Committees have been established for each area of the United States that have been designated by the President. The area committees are comprised of personnel from Federal and state agencies who coordinate response actions with tribal and local governments and with the private sector. Area Committees, under the coordinated direction of Federal On-Scene Coordinators (FOSC) and State On-Scene Coordinators, are responsible for developing Area Contingency Plans (ACPs). Area committees are also required to work with the response community to develop procedures to expedite decisions for the use of alternative response measures.

The purpose of the Maine and New Hampshire Area Contingency Plan (ACP) is:

- (1) To provide for orderly and effective implementation of response actions to protect the people, natural resources, and property of the coastal and inland zones of Maine and New Hampshire from the impacts of oil or hazardous substances spills.
- (2) To promote the coordination of and describe the strategy for a unified and coordinated federal, state, tribal, local, potential responsible party, response contractor, response cooperative, and community response to a discharge or substantial threat of discharge of oil or a release of a hazardous substance from inland and marine sources.
- (3) To provide guidance to all Facility and Vessel Response Plan reviewers and Plan holders to ensure consistency with the Area Contingency Plan.
- (4) To be a guidance manual for responders. This plan is intended for use as a guideline for response actions to spill incidents and to ensure consistency in response to spills. Federal and state rules require that a Responsible Party (RP), or spiller, must be able to manage spills with a predesignated response management organization that accommodates a unified command structure in recognition of federal, state, tribal or local jurisdiction.

The National Interagency Incident Management System (NIIMS) Incident Command System is the recognized standard with which management systems must demonstrate compatibility and is the measure by which regulatory agency plan reviewers, drill evaluators & spill responders will gauge adequacy of response actions. While this system allows considerable operational flexibility, it includes a collaborative planning process which delineates key management position responsibilities, common use of forms, essential Incident Action Plan elements and response personnel and equipment resource tracking methods.

### 1100 AUTHORITY

The Federal Water Pollution Control Act (FWPCA)(33 USC 1321 et seq) addresses development of a National Planning and Response System. As part of this system, in conjunction with the National Contingency Plan (NCP), these plans are to address responses to worst-case discharges of oil or hazardous substances, and mitigation or prevention of a substantial threat of discharge from a vessel, offshore facility, or onshore facility. The Area Committee is also responsible for working with the response community to plan for joint response efforts, including spill containment, mechanical recovery, use of dispersants, in-situ burning, shoreline cleanup, protection of sensitive areas, and protection, rescue, and rehabilitation of fish and wildlife.

#### 1110 Federal

Designating areas, appointing Area Committee members, determining information to be included in, and review of area contingency plans, has been delegated by Executive Order 12777 of 22 October 1991, to the Commandant of the U.S. Coast Guard (USCG) (through the Secretary of Transportation) for the coastal zone, and to the Administrator of the Environmental Protection Agency (EPA) for the inland zone. The coastal zone and inland zone are defined in the NCP (40 CFR 300.5). The EPA has responsibility for response in all areas inland of the coastal zone. The Coast Guard has designated as Areas, those



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portions of the Captain of the Port (COTP) zones which are within the coastal zone and for which Area Committees will prepare area contingency plans.

### **1120 Maine**

As required by 38 M.S.R.A. 546-A, the State of Maine has prepared a Marine Oil Spill Contingency Plan. This plan is intended to coordinate the State's response to marine oil spills by establishing requirements and procedures for notification, assessment of and response to release and threats of oil releases.

The Maine Department of Environmental Protection is the lead state agency for responding to releases of oil or hazardous materials. The State Oil Spill Coordinator from Maine DEP will directly represent the Governor in all direct abatement, clean-up, and resource protection activities in coordination with federal, industry, and other state response teams.

### **1130 New Hampshire**

The New Hampshire Department of Environmental Services is the lead state agency for responding to releases of oil or hazardous materials. The Commissioner of New Hampshire DES will directly represent the Governor in all direct abatement, clean-up, and resource protection activities in coordination with federal, industry, and other state response teams.

## **1200 DEFINITIONS & ACRONYMS**

Due to the number of documents referenced or incorporated in this plan it is necessary to have a source for many of new terms which have arisen as a result of OPA '90 and the attendant regulations.

### **1210 Definitions**

Table 1000-1 provides a list of those terms and the name of the document which contains them. Rather than reiterating all of the definitions here, the user should refer to the source documents as indicated. Where the same term appears in two or more documents, the definition from the most applicable document must be used.

Table 1000-1 may also be used as an informal index to each of the listed publications since each of the major topics discussed are also contained within the respective definitions sections.

### **1220 Acronyms and Initializations**

The acronyms and initializations used in this plan, and documents incorporated into or referenced by this plan, are listed in Table 1000-2.

## **1300 AREA COMMITTEE PURPOSE AND OBJECTIVES**

References: (a) 40 CFR Part 300, National Contingency Plan

The Area Committee is a spill preparedness and planning body made up of Federal, State, and local agency representatives. The OSC will coordinate the activities of the Area Committee and assist in the development of a comprehensive Area Contingency Plan that is consistent with the NCP.

The Area Committee's primary objective is to plan for a safe, appropriate, and timely response to all reports of oil or hazardous substance spills. The Coast Guard has authority to respond in the Coastal Zone, the Environmental Protection Agency in the Inland Zone, and Maine and New Hampshire respond within their respective state boundaries. Each agency responds to reports of releases of oil or hazardous substances to determine their nature and immediate impact on the public health and the environment. If a



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responsible party is conducting proper response actions, the appropriate on-scene coordinator will use best judgment in determining the need for scope of agency involvement.



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TABLE 1000-1 DEFINITIONS						
TERM	FWPCA	CERCLA	RCRA	NCP	V-RP	F-RP
Act of God						
Activation						
Administrator						
Adverse Weather						
Alternative Water Supply						
Applicable Requirements						
Area Committee						
Average Most Probable Discharge						
Barrel						
Biological Additives						
Bulk						
Burning Agents						
Captain of the Port Zone						
Cargo						
Chemical Agents						
Claim						
Claimant						
Coastal Waters						
Coastal Zone						
Coast Guard District Response Group						
Community Relations						
Community Relations Coordinator						
Contiguous Zone						
Contract or Other Approved Means						
Contractual Relationship						
Construction						
Cooperative Agreement						
Damages						
Dedicated Response Vessel						
Deepwater Port						
Demonstration						



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TABLE 1000-1 DEFINITIONS						
TERM	FWPCA	CERCLA	RCRA	NCP	V-RP	F-RP
Discharge						
Dispersants						
Disposal						
Disposal, Hazardous Waste, and Treatment						
Drinking Water Supply						
Environment						
Exclusive Economic Zone (EEZ)						
Facility						
Facility that could Reasonably be Expected to Cause Significant and Substantial Harm						
Facility that could Reasonably be Expected to Cause Substantial Harm						
Federal Agency						
Federal on Scene Coordinator						
Federally Permitted Release						
Feasibility Study (FI)						
First Federal Official						
Foreign Offshore Unit						
Fund or Trust Fund						
Great Lakes						
Gross Ton						
Groundwater						
Guarantor						
Hazard Ranking System (HRS)						
Hazardous Substance						
Hazardous Waste						
Hazardous Waste Generation						
Hazardous Waste Management						
Higher Volume Port Area						
Implementation						
Incident						
Incineration Vessel						



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TABLE 1000-1 DEFINITIONS						
TERM	FWPCA	CERCLA	RCRA	NCP	V-RP	F-RP
Indian Tribe						
Inland Area						
Inland Oil Barge						
Inland Waters of the United States						
Inland Zone						
Inter-Municipal Agency						
Interstate Agency						
Lead Agency						
Lessee						
Liable or Liability						
Long Term Contract						
Lubricating Oil						
Management o Migration						
Manifest						
Marine Transportation-Related Facility (MTR Facility)						
Maximum Extent Practicable						
Maximum Most Probable Discharge						
Medical Waste						
Miscellaneous Oil Spill Control Agent						
Mobile Offshore Drilling Unit (MODU)						
Municipal						
National Contingency Plan						
National Priorities List						
National Response Unit						
Natural Resources						
Navigable Waters						
Nearshore Area						
Non-Persistent or Group I Oil						
Non-Petroleum						
Ocean						
Offshore Area						



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TABLE 1000-1 DEFINITIONS						
TERM	FWPCA	CERCLA	RCRA	NCP	V-RP	F-RP
Offshore Facility						
Oil						
Oil Pollution						
Oil Spill Removal Organization (OSRO)						
On-Scene Coordinator						
Onshore Facility						
On-site						
Open Dump						
Open Ocean						
Operator or Vessel Operator						
Operable Unit						
Operating Area						
Operating Environment						
Operations and Maintenance (O&M)						
Otherwise Subject to the Jurisdiction of the United States						
Outer Continental Shelf Facility						
Owner or Operator						
Permittee						
Persistent Oil						
Person						
Pollutant or Contaminant						
Preliminary Assessment (PA)						
Procurement Item						
Procuring Agency						
Post-Removal Site Control						
Public Participation						
Public Vessel						
Qualified Individual (QI)						
Quality Assurance Project Plan						
Recoverable						
Recovered Material						



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TABLE 1000-1 DEFINITIONS						
TERM	FWPCA	CERCLA	RCRA	NCP	V-RP	F-RP
Recovered Resources						
Recycled Oil						
Release						
Relevant and Appropriate Requirements						
Regional Authority						
Remedial Design (RD)						
Remedial Investigation (RI)						
Remedial Project Manager (RPM)						
Remedy or Remedy Action (RA)						
Remove or Removal						
Removal Costs						
Re-refined Oil						
Resource Conservation						
Resource Recovery System						
Resource Recovery Facility						
Respond or Response						
Responder Response						
Response Activities						
Response Area						
Response Resources						
Responsible Party, Abandonment						
Responsible Party, Deepwater Ports						
Responsible Party, Offshore Facilities						
Responsible Party, Onshore Facilities						
Responsible Party, Pipelines						
Responsible Party, Vessels						
Rivers and Canals						
SARA						
Sanitary Landfill						
Secretary						
Service Station Dealer						



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TABLE 1000-1 DEFINITIONS						
TERM	FWPCA	CERCLA	RCRA	NCP	V-RP	F-RP
Sinking Agents						
Site Inspection						
Size Classes of Discharges						
Size Classes of Releases						
Sludge						
Solid Waste						
Solid Waste Management						
Solid Waste Management Facility						
Solid Waste Planning						
Source Control Action						
Source Control Maintenance Measures						
Specified Ports and Harbors						
Spill Management Team						
State						
State Authority						
Storage						
Substantial Threat of Such a Discharge						
Superfund Memorandum of Agreement (MOA)						
Superfund State Contract						
Support Agency						
Support Agency Coordinator (SAC)						
Surface Collecting Agents						
Tank Vessel						
Territorial Seas						
Threat of Discharge or Release						
Threat of Release						
Transport or Transportation						
Treatment						
Treatment Technology						
Trustee						
United States or State						



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TABLE 1000-1 DEFINITIONS						
TERM	FWPCA	CERCLA	RCRA	NCP	V-RP	F-RP
Used Oil						
Vessel						
Vessel of Opportunity						
Vessel Carrying Oil as a Primary Cargo						
Vessel Carrying Oil as a Secondary Cargo						
Volunteer						
Virgin Material						
Worst Case Discharge						

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED (FWPCA). Definitions to words and phrases used in this Act are found in Title 33 U.S. Code 1321, Section 311 (a) of the Act. Some of the definitions contained therein were further modified by the Oil Pollution Act of 1990.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 (CERCLA) or (SUPERFUND) and the SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986 (SARA). Definitions to words and phrases used in these Acts are found in Title 42 U.S. Code 9601, Section 101 et seq.

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA). Definitions to words and phrases used in this Act are found in Title 42 U.S. Code 6903, Section 1004.

NATIONAL CONTINGENCY PLAN (NCP). Definitions to words and phrases used in this plan are found in Title 40 Code of Federal Regulations Part 300, Section 300.5.

OIL POLLUTION PREVENTION REGULATIONS FOR VESSELS, VESSEL RESPONSE PLANS (V-RP). Definitions to words and phrases used in this regulation are found in Title 33 Code of Federal Regulations Part 155, Section 155.1020.

OIL POLLUTION PREVENTION REGULATIONS FOR MARINE OIL TRANSFER FACILITIES, FACILITY RESPONSE PLANS (F-RP). Definitions to words and phrases used in this regulation are found in Title 33 Code of Federal Regulations Part 154, Section 154.1020



TABLE 1000-2

ACRONYMS

AC	Area Committee
ACGIH	American Conference of Governmental Industrial Hygienists
ACP	Area Contingency Plan
AOC	Area Operations Coordinator
AST	Atlantic Strike Team
ATSDR	Agency for Toxic Substances and Diseases Registry
BOA	Basic Ordering Agreement
BBL	Barrel
CCGD1	Commander, First Coast Guard District
CCGF	Commander, Coast Guard Forces
CDO	Command Duty Officer
CERCLA	Comprehensive Environmental Response Compensation, Liability Act of 1980
CEQ	Council for Environmental Quality
CGHQ	Coast Guard Headquarters
CHRIS	Chemical Hazard Response Information System
CO	Commanding Officer
COMMCEN	Communications Center
COS	Chief of Staff
COTP	Captain of the Port
CWA	Clean Water Act
DEP	Maine Department of Environmental Protection
DES	New Hampshire Department of Environmental Services
DHHS	Department of Health and Human Services
DMR	Maine Department of Marine Resources
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of Interior
DOJ	Department of Justice
DOL	Department of Labor
DOS	Department of State
DOT	Department of Transportation
DRAT	U. S. Coast Guard District Response Advisory Team



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TABLE 1000-2

ACRONYMS

DRG	U. S. Coast Guard District Response Group
EERT	Environmental Emergency Response Team (EPA)
EMA	New Hampshire Emergency Management Agency
EMSL	Environmental Monitoring and Support Laboratory (EPA)
EPA	Environmental Protection Agency
ERT	Environmental Response Team
FCO	Federal Coordination Officer
FEMA	Federal Emergency Management Agency
FOSC	Federal On-Scene Coordinator
FWPCA	Federal Water Pollution Control Act
FWS	Fish and Wildlife Service (DOI)
F&G	New Hampshire Department of Fish and Game
GAL	Gallon (U. S.)
G-L	U. S. Coast Guard's Office of Chief Counsel
G-M	U. S. Coast Guard's Office of Marine Safety, Security and Environmental Protection
G-N	U. S. Coast Guard's Office of Navigation Safety and Waterway Services
GSA	General Services Administration
ICS	Incident Command System
IDO	Inspections Duty Officer
IF&W	Maine Department of Inland Fish and Wildlife
IRT	Initial Response Team
JIB	Joint Information Bureau
JIC	Joint Information Center
JOC	Joint Operations Center
JTC	Joint Transportation Center
LEPC	Local Emergency Planning Committee
MARAD	Maritime Administration
MEMA	Maine Emergency Management Agency
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSIS	Marine Safety Information System
MSO	U. S. Coast Guard Marine Safety Office
NCP	National Contingency Plan
NFPA	National Fire Protection Association



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TABLE 1000-2

ACRONYMS

NIC	National Incident Commander
NICa	Alternate National Incident Commander
NIOSH	National Institute for Occupational Safety and Health
NITF	National Incident Task Force
NMFS	National Marine Fisheries Service (DOC/NOAA)
NOAA	National Oceanographic and Atmospheric Administration
NPDS	National Pollution Discharge Elimination System
NPFC	National Pollution Funds Center
NPL	National Priorities List
NPS	National Parks Service (DOI)
NRC	National Response Center
NRC	Nuclear Regulatory Commission
NSF	National Strike Force
NSFCC	National Strike Force Coordination Center
NRT	National Response Team
NWS	National Weather Service
OAD	Ocean Assessments Division
OCS	Outer Continental Shelf
OOD/GDO	Officer of the Day/Group Duty Officer
OMS	Oceanography and Marine Service
OPA '90	Oil Pollution Act of 1990
OPCEN	Operations Center
OSC	On-Scene Coordinator
OSHA	Occupational Safety and Health Administration
OSLTF	Oil Spill Liability Trust Fund
PAAT	Public Affairs Assistance Team (EPA)
PIAT	Public Information Assist Team (USCG)
PIO	Public Information Office
POLREP	Pollution Report
PREP	National Preparedness For Response Exercise Program
PSSO	Port Safety and Security Officer
RAT	Radiological Assist Team
RCP	Regional Contingency Plan
RCRA	Resource Conservation and Recovery Act



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ACRONYMS

RDO	Response Duty Officer
RNO	Regional News Office
RP	Responsible Party
RRC	Regional Response Center
RRI	Response Resource Inventory
RRP	Regional Response Plan
RRT	Regional Response Team
SARA	Superfund Amendments and Reauthorization Act
SERC	State Emergency Response Commission
SONS	Spill of National Significance
SSC	Scientific Support Coordinator
SUPSALV	U. S. Navy Supervisor of Salvage
TAT	Technical Assistance Team (EPA)
TSCA	Toxic Substances Control Act
USACE	U. S. Army Corps of Engineers
USCG	U. S. Coast Guard
USDA	U. S. Department of Agriculture
USEPA	U. S. Environmental Protection Agency
USGS	U. S. Geologic Survey (DOI)
USN	U. S. Navy
XO	Executive Officer



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### 1400 GEOGRAPHIC BOUNDARIES

The geographic boundary covered by the Maine and New Hampshire Area Contingency Plan is the coastal area of the Captain of the Port Portland, marine zone as described in 33 CFR part 3.05-10. The Maine and New Hampshire coastal area includes four distinct port regions, each of which handle major oceangoing shipping and related marine commerce. The four port regions are:

- 1) Portsmouth;
- 2) Portland
- 3) Penobscot Bay/River; and
- 4) Eastport.

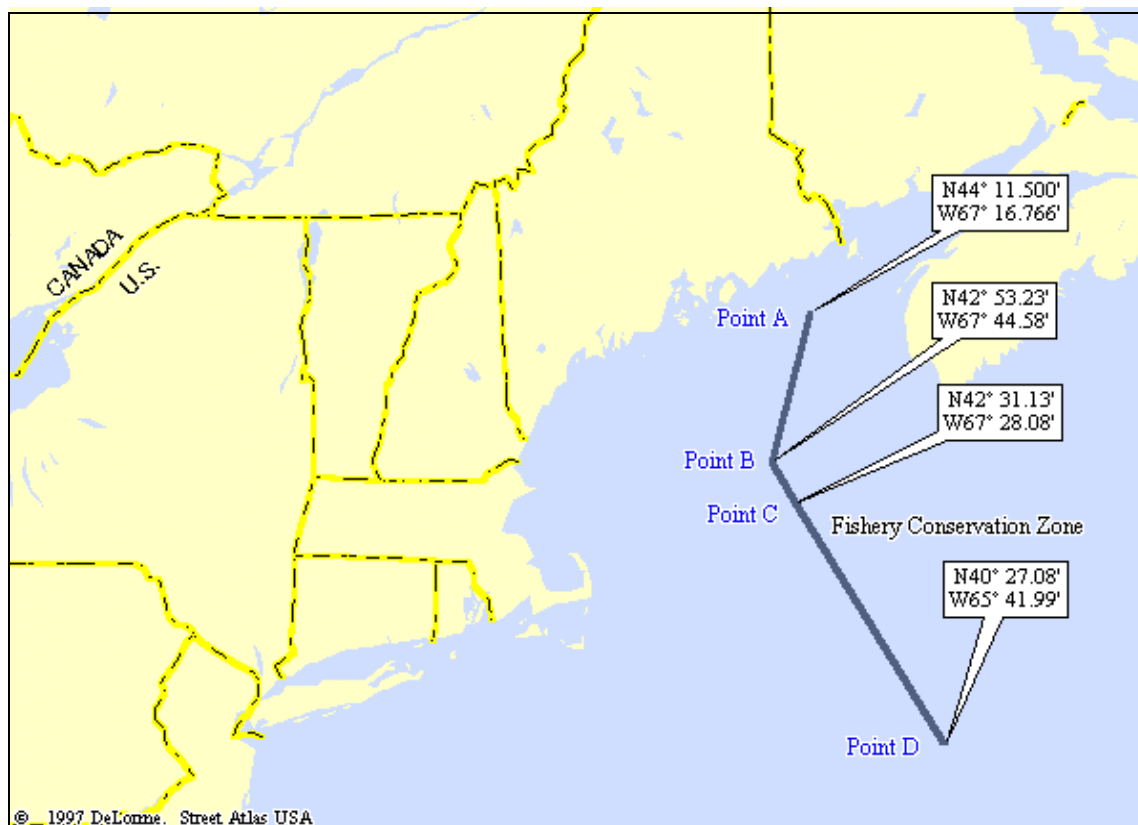
For ease of reference, certain information in this plan, such as sensitive areas and spill scenarios has been incorporated by port region.

### 1410 Coast Guard-EPA OSC Boundary

A continual boundary for the states of Maine and New Hampshire delineating inland and coastal has been agreed upon by the U.S. Coast Guard and EPA Region I and is described in the EPA/USCG Memorandum of Agreement dated June 1979. The U.S. Coast Guard shall be responsible for providing the On-Scene Coordinator for spills on, and seaward of, the boundary, and in all cases of spills on offshore islands and ocean waters within the boundaries of the Coastal Zone, including the Fishery Conservation Zone. The Coast Zone is generally described as all US waters subject to tides.

### 1420 Fishery Conservation Zone

On 26 October 1984 the U.S.-Canada Fishery Conservation Zone boundary in the Gulf of Maine was amended by a decision of the International Court of Justice. The boundary was amended as follows:



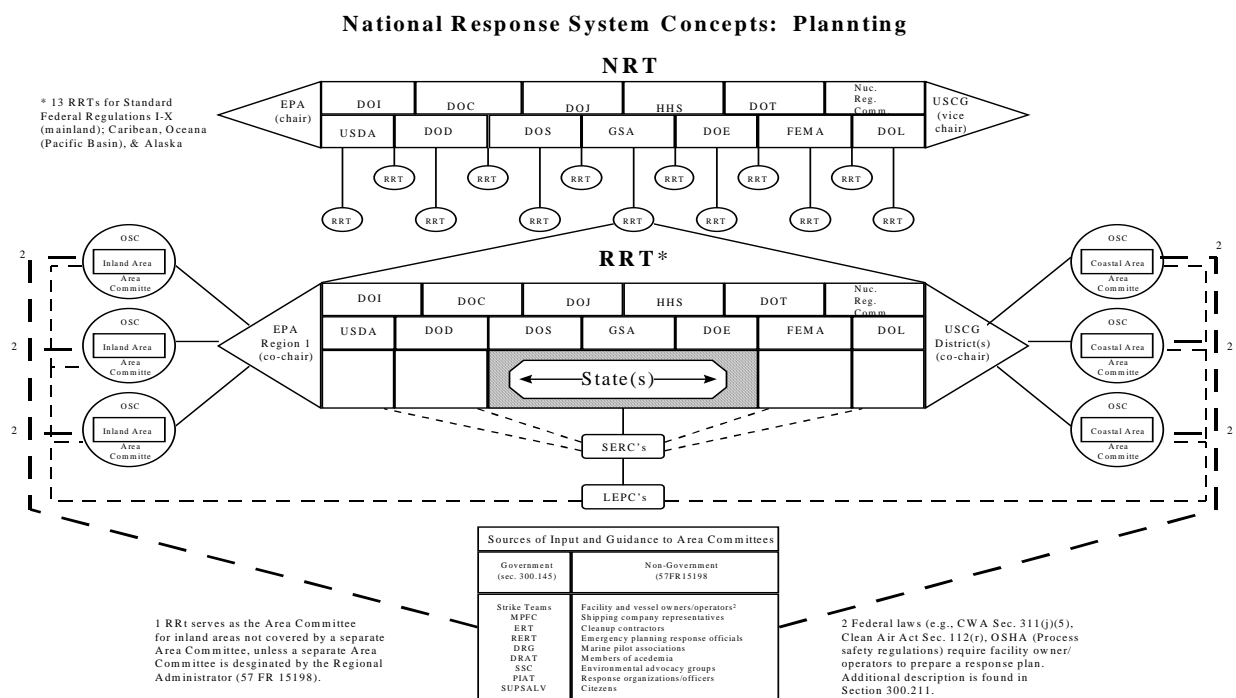
### 1500 NATIONAL AND AREA RESPONSE SYSTEM





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### 1530 Regional Response Team

There are 13 RRTs, one for each of the ten federal regions and Alaska, the Caribbean and the Pacific Basin. Each RRT has federal and state representation. EPA and the Coast Guard co-chair the RRTs. RRTs are planning, policy and coordinating bodies, and may be activated during a major incident to assist the FOSC with resources. They also provide guidance support and approval for pursuing certain response strategies.

Regional Response Teams (RRTs) may be activated for specific incidents when requested by the FOSC. If the assistance requested by a FOSC exceeds an RRT's capability, the RRT may request assistance from the NRT. During an incident the RRT may either be alerted by telephone or convened. The cognizant RRTs will also be consulted by the FOSC on the approval/disapproval of the use of alternative response technologies (i.e. dispersants, bio-remediation, and other chemical counter-measures.) when that decision has not been preapproved. The RRT may also be consulted on the use of in situ burning.

### 1540 Area Response Team

The Maine and New Hampshire Area Committee member agencies have adopted and will manage spill incidents according to the following principles:

- **Incident Command System** - The signatory agencies will use the National Interagency Incident Management System (NIIMS) model Incident Command System (ICS).
- **Unified Command** - When more than one of the signatory agencies arrive on-scene to participate in managing a response action, the agencies will utilize a unified command structure to jointly manage the spill incident. In the Unified Command (UC), whenever possible, decisions with regard to the response will be made by consensus and documented through a single Incident Action Plan (IAP). When a consensus cannot be reached, the FOSC has the ultimate decision-making authority.
- **Tribal and Local Government On Scene Coordinators** - The unified command may incorporate additional tribal or local government on scene coordinators into the command structure as appropriate.



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- Responsible Party Command Structure - The person or persons responsible for a spill incident shall utilize an incident command system which is capable of rapidly and readily integrating into the NIIMS based ICS/UC organization utilized by the ACP signatory agencies.
- Response Plan Approval - The National Oil and Hazardous Substance Contingency Plan (NCP) 40 CFR 300 requires that vessel and facility response plans be compatible with the applicable Area Plan. Therefore, it is the policy of the Area Committee that vessel and facility response plans be consistent with the ACP.

The unified command structure allows for a coordinated response which takes into account the federal, state, tribal, local and responsible party concerns and interests when implementing the response strategy. The FOSC has the ultimate authority in a response operation and will exert this authority only if the other members of the unified command are not present or are unable to reach consensus within a reasonable time frame.

During responses to oil and hazardous substance spills, local agencies may be involved as part of the UC, and may provide agency representatives who interface with the command structure through the Liaison Officer or the SOSC. When a UC is used, an Incident Command Post (ICP) and Joint Information Center (JIC) shall be established.

#### 1541 Federal On-Scene Coordinator

MSO Portland maintains and manages emergency response teams for response to discharges of oil and hazardous substances. These teams vary in size based on the nature of the incident. In all cases, they are tasked with assessing the discharge to determine response measures, monitor and supervise pollution countermeasures, deploy pollution control equipment as available and necessary until a contractor arrives, document all phases of the response, conduct investigations, and act for the FOSC.

The EPA Response Team consists of emergency response FOSCs located in the regional office in Boston. The FOSCs are responsible for determining the source, cause and responsible party, as well as initiating source control and enforcement actions as appropriate. Additional responsibilities include ensuring containment cleanup and disposal are carried out adequately, notification of all Natural Resources Trustees, and coordination of activities with federal, state, tribal, and local agencies to monitor their performance. EPA also has access to technical assistance contractors who can provide technical oversight and other resources at spills and uncontrolled hazardous waste sites. In some cases, EPA's technical assistance contractor may arrive on scene prior to the FOSC. Prior to arrival of the EPA OSC, the EPA contractor will cooperate with on-site agencies but will take direction through the EPA OSC only.

#### 1542 Maine Response System

In the event of an oil spill in coastal waters, the State Oil Spill Coordinator will directly represent the Governor in all direct abatement, clean-up and resource protection activities in coordination with federal, industry, and other state's response teams. The State Oil Spill Coordinator will work with the Federal On-Scene Coordinator and the responsible party following the unified command structure used by the Coast Guard. Maine Department of Environmental Protection (DEP) staff will work with federal, state, and local representatives, as well as the responsible party, to ensure an adequate and timely response. In the event a responsible party does not respond to a spill, or is not responding to the satisfaction of the DEP, the DEP may, in consultation with federal authorities, initiate and direct all actions necessary to respond to the incident.

The Maine Emergency Management Agency (MEMA) is responsible for carrying out a program for emergency preparedness, including coordination of the activities of all organizations for emergency preparedness within the state. This includes a broad range of functions, such as fire fighting, police, medical and health services, emergency welfare, rescue, engineering, evacuation and transportation. In the event of a marine oil spill, MEMA will provide assistance and support to the State Oil Spill Coordinator, and will coordinate all land based activities. Unlike other declared emergencies, marine oil spill cleanup activities are directed by the DEP and do not fall under MEMA authority.

The designated liaison to the RRT for the State of Maine is:



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David Sait, Director  
Bureau of Remediation & Waste Management  
Department of Environmental Protection  
State House, Station #17  
Augusta, Maine 04330-0017  
(207) 287-2651

The State of Maine agency designated to supervise removal operations and request reimbursement from the Fund:

David Sait, Director  
Bureau of Remediation & Waste Management  
Department of Environmental Protection  
State House, Station #17  
Augusta, Maine 04330-0017  
(207) 287-2651

#### 1542.1 Maine Law

The Maine laws which pertain to this plan include but are not limited to the following:

##### Removal of Prohibited Discharge of Oil

Any person discharging oil, petroleum products or their by-products, in the manner prohibited by 38 M.R.S.A. section 543 shall immediately undertake to remove such discharge to the Commissioner's satisfaction. Notwithstanding the above requirement the Commissioner may retain agents and contracts for such purposes who shall operate under the direction of the Commissioner.

Any unexplained discharge of oil, petroleum products or their by-products within state jurisdiction or discharge of oil, petroleum products or their by-products occurring in waters beyond state jurisdiction that for any reason penetrates within state jurisdiction shall be removed by or under the direction of the Commissioner. Any expenses involved in the removal of discharges, whether by the person causing the same, the person reporting the same or through its agents or contractors shall be paid in the first instance from the Maine Coastal and Inland Surface Clean-up Fund hereinafter provided for and any reimbursements due said fund shall be collected in accordance with the provision of 38 M.R.S.A. section 551(6).

##### Discharge of Hazardous Matter Prohibited

The discharge of hazardous matter into or upon any waters of the State, or into or upon any land within the State's territorial boundaries or into the ambient air is prohibited unless licensed or authorized under state or federal law.

##### Procedures for Removal of Discharges of Hazardous Matter

- **Reporting:** The responsible party or the person causing the discharge shall report a discharge immediately to the Department of Public Safety, which shall immediately notify the Department of Environmental Protection.
- **Department of Environmental Protection to direct removal:** The Department of Environmental Protection shall have authority and responsibility to plan, implement and, with the cooperation of the appropriate public safety agency, direct that part of the response to a discharge of hazardous matter which involves removal.
- The responsible party or the person causing the discharge shall immediately undertake removal of the discharge
- The department may undertake the removal of the discharge and may retain agents and make contracts for this purpose.



## Maine and New Hampshire Area Contingency Plan

### INTRODUCTION

- Any unexplained discharge of hazardous matter occurring within State jurisdiction, or on land or in water or air beyond State jurisdiction that for any reason penetrates within State jurisdiction, shall be removed by or under the direction of the department.

#### 1543 New Hampshire Response System

The New Hampshire Department of Environmental Services (DES), Water Supply and Pollution Control Division, is the lead state agency responsible for regulation of oil terminal operations and emergency preparedness for a coastal oil spill, under reference (f) above. An Oil Spill Emergency Response Team responds to oil spills throughout the state. In carrying out this responsibility, the Department coordinates with the Office of Emergency Management (NH OEM).

The NHOEM has overall responsibility for state emergency preparedness, with the Department of Safety, which investigates transportation related incidents, and with the State Police which operates the emergency notification network. The Office is also responsible for coordination of volunteer efforts and evacuation of personnel, if necessary.

The designated liaison to the RRT for the state of New Hampshire is

Mr. Woody Fogg, Director  
State Emergency Response Commission  
New Hampshire Office of Emergency Management  
107 Pleasant St.  
Concord, NH 03301  
603-271-2231 or 800-852-3792

The state of New Hampshire agency designated to supervise removal operations and request reimbursement from the Fund:

NH Department of Environmental Services  
Water Supply and Pollution Control Division  
Richard Berry, Chief of Initial Response  
6 Hazen Drive, P.O. Box 95  
Concord, NH 03301  
  
(603) 271-3440 (8am - 4pm, M-F)  
(603) 271-3636 (non-working hours, calling from outside NH - NH State Police)  
(800) 346-4009 (non-working hours calling from NH - NH State Police)

#### 1543.1 New Hampshire Laws

The New Hampshire laws which pertain to this plan include but are not limited to the following:

RSA Chapter 146-A:4 NHDES: Whenever an oil discharge or spillage occurs which will, or has polluted the public waters of this state, the NHDES shall be notified forthwith and shall assume primary jurisdiction of the cleanup operation. In the interim period before the NHDES has had an opportunity to assume jurisdiction, the person or persons causing the discharge or spillage shall undertake immediate measures, in accordance with the regulation and policies which the NHDES is authorized to promulgate, so as to minimize the extent of pollution and damage which said discharge or spillage would otherwise cause. Any person discharging oil, petroleum products or their by-products in the manner prohibited by RSA 146-A:3 shall immediately undertake to remove such discharge to the NHDES's satisfaction. Notwithstanding the above requirement, the NHDES may undertake the removal of such discharge and may retain agents and contractors for such purposes who shall operate under the direction of the NHDES. Any unexplained discharge of oil, petroleum products or their by-products shall be removed by or under the direction of the NHDES.

RSA Chapter 146A: Duty to Report: The person in charge of any oil facility or carrier that discharges oil in violation of this chapter shall immediately notify the NHDES or its designee. Any person who fails to give such notice shall be fined not more than one thousand dollars or imprisoned not more



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than one year, or both. Each day of a continuing violation shall constitute a separate offense. Emergency response to hazardous substances or waste releases is governed by a number of state statutes involving various state and local governmental entities depending on the type and potential impact of the incident on public safety and the environment. Therefore, at the state level, a coordinated response action is generally utilized. The agencies which might participate in an emergency response effort are listed below:

- Department of Agriculture - Pesticide Control Board
- Bureau of Civil Emergency Preparedness
- Executive Department - State Disaster Center
- Department of Fish and Game
- Department of Health and Welfare
  - \* Division of Public Health Services
    - Air Resources Agency
    - Bureau of Environmental Health (Radiological Incidents)
    - Office of Waste Management (Hazardous Waste)
- Department of Safety
- New Hampshire Department of Environmental Services

#### **1550 Local Spill Management Team**

The Responsible Party (RP) is required under OPA 90 to engage resources as necessary to respond to spills. In almost all cases, RP contracted Spill Management Teams (SMTs) will arrive from out-of-town which involves an inherent logistical delay. Additionally, it is reasonable to expect that many members of the contract team will be essentially unfamiliar with the local port and environmental conditions. Typically their local knowledge will be in large part based solely on the Area Contingency Plan (ACP). Therefore, additional time may be necessary after their on-scene arrival to familiarize themselves with local issues prior to assuming any responsibilities within the Federal On Scene Commander's (FOSC) command and control organization. It is not unreasonable to expect that 18-24 hours will elapse before any elements of an RP's SMT will be in place and able to contribute to the spill response effort. During this most critical time in a spill response it is essential that all available resources be effectively utilized to promptly mitigate the effects of the spill.

#### **1551 Local Spill Management Teams (LSMT)**

Local Spill Management Teams (LSMTs) have been established within the appropriate ports of the FOSC's area of responsibility. The LSMT is a local organization, with representatives from both industry and environmental interest groups working together to respond to and cleanup the spill. LSMTs enhance first-response capabilities during the first 18-24 hours by drawing on existing expertise within the local port communities. Numerous individuals exist within the port community who possess sufficient expertise to significantly contribute to a spill response effort. LSMTs provide the FOSC an immediate mechanism to incorporate the expertise of these individuals at a time when personnel resource demand is most critical.

#### **1552 LSMT Activation**

Activation of the LSMT is by FOSC authorization and coincides with the opening of the National Pollution Fund. The SOSC or RP may recommend to the FOSC that the LSMT be activated. LSMT personnel will arrive on scene within 2-12 hours after the initial report of the spill, and will have the resources to function for up to 72 hours.

As with existing Incident Command System/Unified Command System (ICS/UCS) structure, the FOSC would assume liability for any decisions made or actions taken within the framework of the established command and control structure.



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Participation on a LSMT is on a voluntary basis and is subordinate to any employer commitments. The LSMT must incorporate sufficient flexibility to enable a terminal effected by a spill to determine the specific role of their employee within the LSMT. Individuals participating in the LSMT would be eligible for financial reimbursement of their time through the National Pollution Fund by authorization of the FOSC. Members are protected from liability for response activities consistent with the National Contingency Plan (NCP).

#### 1553 LSMT Notification

Upon its activation LSMT personnel shall be notified by MSO Portland, Maine via their respective offices. Table 1000-3 contains notification checklists for the Portland, Portsmouth, Penobscot and Eastport organizations which may provide personnel to augment the SMT of federal, state and local agencies and in combination comprise the LSMT.

TABLE 1000-3a

#### PORTLAND LSMT NOTIFICATION LIST

##### INDUSTRY

<u>Company</u>	<u>Telephone No.</u>
Portland Pipe Line Corp	207-767-0430
Cargill Energy/ Northeast Petroleum	207-799-2294
FPL Energy ( ex Central ME Power)	207-846-9055
Sprague Energy	207-799-4899
Motiva	207-799-3394
Mobil Oil Corp.	207-767-3251
Gulf Oil	207-799-5561
Merrill's	207-772-3254
Moran Shipping	207-772-6515
Prince of Fundy/Cruises	207-775-5611
ME Petroleum Assoc.	207-622-5881
William Brennan & Assoc.	207-772-5094
John Stuart & Co.	207-767-5761
Ash Cove Consultants	207-846-0122
Portland Pilots – Capt. Kenneth Campbell	207-774-5623

##### CONTRACTORS AND ENVIRONMENTAL GROUPS

<u>Contractor/Group</u>	<u>Telephone No.</u>
Clean Casco Bay	207-828-4511
Clean Harbors	207-799-8111
Friends of Casco Bay, Baykeeper	207-799-8574
Marine Spill Response Corp (MSRC)	207-780-8801
National Response Corp (NRC)	207-879-2423/ 800-899-4672
Fleet Environmental Service	207-774-2111

TABLE 1000-3b

#### PORTSMOUTH LSMT NOTIFICATION LIST

##### INDUSTRY



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<u>Company</u>	<u>Telephone No.</u>
Sprague Energy	603-431-5131/ 436-4120
Irving Oil	603-436-5147
Public Services of New Hampshire	603-431-2550x7302
Fuel Storage Corp.	603-431-6000
Portsmouth Naval Shipyard	207-438-1000
Portsmouth Pilots	603-436-1209
SEA-3 Inc.	603-431-5990
Colebrook Energy	207-945-9465

#### CONTRACTORS AND ENVIRONMENTAL GROUPS

<u>Contractor/Group</u>	<u>Telephone No.</u>
Clean Harbors	207-799-8111
Marine Spill Response Corp (MSRC)	207-780-8801
National Response Corp (NRC)	207-879-2423/ 800-899-4672
Fleet Environmental Services	207-774-2111
Clean Casco Bay	207-828-4511

TABLE 1000-3c

#### PENOBSCOT LSMT NOTIFICATION LIST

#### INDUSTRY

<u>Company</u>	<u>Telephone No.</u>
Irving Oil	800-552-2004
Webber Oil	207-469-3165
Mobil Oil	207-942-8248
Sprague Energy	207-548-2531
Barrett Paving	207-942-4681
Maine Towboats, Inc	(207) 338-3000
Penobscot Bay & River Pilots	(207) 338-6600
Pen-Bay Pilots	(207) 374-2217

#### CONTRACTORS AND ENVIRONMENTAL GROUPS

<u>Contractor/Group</u>	<u>Telephone No.</u>
Clean Harbors	207-799-8111
Marine Spill Response Corp (MSRC)	207-780-8801
National Response Corp (NRC)	207-879-2423/ 800-899-4672
Fleet Environmental Services	207-774-2111
Clean Casco Bay	207-828-4511

TABLE 1000-3d

#### EASTPORT LSMT NOTIFICATION LIST

#### INDUSTRY



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#### Company

Federal Marine Terminal  
Quoddy Pilots

#### Telephone No.

207-853-6096  
207-259-7770/ 207-773-5556

#### **CONTRACTORS AND ENVIRONMENTAL GROUPS**

#### Contractor/Group

Quoddy Spill Prevention Group  
Clean Harbors  
Marine Spill Response Corp (MSRC)  
National Response Corp (NRC)  
Fleet Environmental Services  
Clean Casco Bay

#### Telephone No.

207-853-0982  
207-799-8111  
207-780-8801  
207-879-2423/ 800-899-4672  
207-774-2111  
207-828-4511

#### **1554 LSMT Deactivation**

Deactivation of the LSMT must be well planned for and clearly delineate who has the authority to deactivate a function and who will assume responsibility for a deactivated function.

As is the case for activation, the FOSC alone can deactivate the LSMT. Recommendations for deactivation will come from the Command Staff and General Staff. The LSMT should be deactivated when it is determined that all operations, tactical and strategic, can be turned over to the respective contracted SMT.

The LSMT will be responsible for developing a plan for an orderly deactivation of the LSMT. The FOSC and the relieving SMT shall be thoroughly briefed by the appropriate LSMT members prior to deactivation of the LSMT. The specifics of deactivation will vary according to the details of each incident. The Unified Command should consider maintaining some persons from the LSMT to incorporate local knowledge into the relieving spill management team.

#### **1600 RESPONSE POLICY**

##### **1610 National Response Policy**

The National Response Policy is to ensure that all applicable laws and regulations are carried out. Those laws and regulations are intended to ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil or a hazardous substance.

##### **1611 High-Seas Policy**

Application of the Intervention on the High Seas Act (33 USC 1471 et seq.): Under authority of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, governments party to the present convention may take such measures on the high seas as may be necessary to prevent, mitigate, or eliminate grave and imminent danger to their coastline or related interests from oil or hazardous substances pollution or threat of pollution. The pollution or threat of pollution may result from a maritime casualty or acts related to such a casualty which may reasonably be expected to result in major harmful consequences. In the event of a ship collision, stranding, or other incident on board or external to a ship outside U.S. Territorial waters which creates a potential threat of pollution by oil or hazardous substances, all available information shall be relayed to the Coast Guard which will determine whether or not grave and imminent danger to our coastline or related interests exists. Once that determination is made, the designated FOSC shall take measures to prevent, mitigate, or eliminate the threat.

##### **1612 Coast Guard Policy**



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The Coast Guard will respond, consistent with the policy outlined in the Maine and New Hampshire Area Contingency Plan. The Coast Guard may elect not to dispatch representatives to reported discharges where representatives of another cognizant government agency are responding. However, if Federal removal is indicated within the Coastal Zone, the Coast Guard will respond. If the responsible party is conducting proper removal, the Coast Guard On-Scene Coordinator will use best judgment in determining the need for the presence of Coast Guard personnel on scene. General Coast Guard policy for pollution response is provided in Volume VI of the Coast Guard Marine Safety Manual.

#### **1613 Environmental Protection Agency (EPA) Policy**

By statute, EPA is the FOSC for inland spills. In many instances, EPA is not the first responder on scene. EPA contractors may arrive before EPA. EPA works in cooperation with other responders but has not delegated their responsibility as FOSC. In all spill situations, it is EPA's intent to contribute to the response by working with the local, state, tribal authorities, general public, and Federal agencies to ensure the information needed to maximize the effectiveness of the response effort is easily accessible. During a response to a release, the potentially responsible parties (PRP) are generally given the opportunity to adequately respond. The U.S. EPA works closely with the PRPs when they are known and willing to take action to ensure that the release reaches an adequate and rapid conclusion with a minimum impact on the environment. In the event of a spill where the PRP is not identified, does not respond to contain or clean up the spill, or does an inadequate job responding, Federal responsibilities may include taking over the response or assuming a co-lead role in a unified command with state and local responders.

#### **1620 State Response Policy**

##### **1621 Maine Policy**

The Maine Department of Environmental Protection is the lead state agency for responding to releases of oil or hazardous materials. The State Oil Spill Coordinator from Maine DEP will directly represent the Governor in all direct abatement, clean-up, and resource protection activities in coordination with federal, industry, and other state response teams.

##### **1622 New Hampshire Policy**

The New Hampshire Department of Environmental Services is the lead state agency for responding to releases of oil or hazardous materials. The Commissioner of New Hampshire DES will directly represent the Governor in all direct abatement, clean-up, and resource protection activities in coordination with federal, industry, and other state response teams.

#### **1630 Multinational Response Policy**

The United States and Canada share responsibilities in numerous locations covered by this plan. The northeast boundary of the State of Maine is the Canadian border. U.S. and Canadian OSCs will cooperate fully to respond to pollution incidents that affect or threaten to affect both parties. Toward this end, the Canada-United States Joint Marine Pollution Contingency plan (JCP) for spills of oil and other Harmful Substances and the Canada-United States Joint Inland Pollution Contingency Plan provide guidance for a joint response.

If a spill or potential spill may impact or does impact Canadian waters or territory, the FOSC will contact the Canadian OSC and discuss the appropriate level of action and coordinate the response. If a spill in Canadian waters threatens to impact U.S. waters, the Canadian OSC will contact COTP Portland. In cases involving inland waters, the Canadian OSC will contact EPA Region One. A JPT co-chair may activate the joint plan if the spill poses a threat to Canada or spreading has already occurred, or the magnitude of the spill makes a request for assistance necessary. Any pollution incident posing a substantial threat to the other country shall be reported immediately by the Canadian National



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Environmental Emergencies Center (NEEC) or the U.S. National Response Center (NRC), depending on the incident location. In addition, the EPA Region One duty officer in Boston shall notify the Environment Canada duty officer, or vice versa, in the event of an incident with cross-border impacts.

This Area Contingency Plan is compatible with the Marine Pollution Joint Contingency Plan.

#### **1640 Responsible Party Policy**

The National Contingency Plan requires that response plan holders, “prepare and submit a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance. These response plans are required to be consistent with applicable Area Contingency Plans.”

The requirement for facility and vessel response plans to be consistent with the Maine and New Hampshire Area Contingency Plan applies to:

- Vessel and facility Contingency Plan: content, review and approval;
- The execution and evaluation of spill drills and exercises; and
- The management of spill response actions.

Failure to adequately conform to the Maine and New Hampshire ACP may result in: rejection of a spill contingency/response plan; non-credit for a drill; or federal and/or state agencies assuming direct control of a spill response action. However, it is also the policy of the Maine and New Hampshire Area Committee that the unified command will encourage the party responsible for a spill incident, to maintain the primary responsibility for managing the response action so long as they:

- Actively and cooperatively participate in the unified command structure;
- Provide an organization which is compatible with NIIMS ICS;
- Provide regular communication and documentation that assures adequate response resources are being rapidly mobilized in proportion to the size of the incident as discussed in the following section.
- Follow their approved spill contingency/response plan (if applicable) unless otherwise directed, or a deviation is agreed to, by the unified command.

#### **1641 Requirement for a Full and Rapid Response**

During the initial stages of some spill response actions adequate response resources are not rapidly mobilized to the scene of significant oil spills. The reasons for this are:

- It is often difficult to obtain precise information on the quantity of oil or hazardous material which has actually been released and is likely to continue to be released until the source is controlled.
- Notification may be delayed. There is a tendency of some responsible parties to be very conservative in estimating the quantity of oil spilled due to liability considerations.
- Miscommunication can occur as to the actual extent of personnel and equipment which has been ordered and as to the time of arrival. Similarly, estimates are sometime overly optimistic.
- Response contractors may experience difficulty in mobilizing in a timely fashion a portion of their response resources for various reasons.

In some cases, state and federal on-scene coordinators are cautious in making sure responsible parties do not mobilize unnecessary resources which would needlessly increase the cost of the response action.

However, adequate response resources must be rapidly mobilized if initial source control, containment and cleanup efforts are to be successful. Experience has found that it is much more cost-effective and far less damaging to natural resources to contain an oil spill rather than to remove it from the water and beaches.



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Therefore, it is the policy of the Maine and New Hampshire Area Committee that the response to a spill incident should be promptly "ramped-up" to provide adequate equipment and trained personnel to effectively respond to the highest quantity of product which will most likely be released. If it is determined that excessive response resources are ordered or mustered they may be canceled or demobilized to help control the cost of the response action to the responsible party and responding agencies.

If a responsible party fails to respond in a manner deemed reasonably consistent with this policy and Maine and New Hampshire ACP, the FOSC or SOSC may assume the lead for a portion of or the entire spill. The agency proposing to assume lead for the clean up will closely coordinate with other members of the unified command prior to taking such action.

Another reason that rapid response and containment is important is that there are certain inherent weaknesses in the response community's ability to mount a fully effective response. These weaknesses are:

- **Coastal Response:** During certain times of the year, it is very difficult to mount an effective response action for spills in the outer coastal environment. This difficulty is due to the long transit distance and some inaccessibility from equipment stores to the outer coast. Once equipment arrives on-scene in the coastal environment, sea state and meteorological conditions (such as fog, wind, rain, and snow) may dramatically limit or terminate effective oil booming and on-water oil recovery efforts.
- **Response in Shallow Marine Embayments:** Diversion and containment booming and intertidal shoreline clean-up is very difficult in many of the Maine and New Hampshire's environmentally sensitive shallow marine estuaries. Once oil enters these intertidal areas, extensive environmental damage is likely and recovery technology has minimal effectiveness. In these environments, conventional shoreline clean-up activities themselves can cause extensive damage and are therefore seldom used.
- **Response to Catastrophic Oil Spills:** Should a catastrophic oil spill occur, it is likely that there will not be adequate response resources in the Maine and New Hampshire Area to manage and clean-up the spill. Therefore, the Maine and New Hampshire Area will rely in part on resources from other jurisdictions to provide assistance to catastrophic spills.

#### **1650 Spill Of National Significance (SONS)**

A SONS is a rare, catastrophic spill which greatly exceeds the response capabilities at the local and regional levels. When responding to an incident of this type, the Coast Guard will continue to use the ICS as its response management structure, with the addition of a strategic management and support function called the ICS Incident Area Command. The ICS Incident Area Command structure can be used in any incident of regional or national significance, or in any case where the Federal On Scene Coordinator (FOSC), First District Commander, or Atlantic Area Commander feels it would be appropriate. Although the general concept for a nationally significant response involves an oil spill, the establishment of an ICS Incident Area Command is appropriate anytime there are large incidents affecting multi-jurisdictional areas.

#### **1651 SONS Declaration and Incident Area Command Activation**

The Commandant of the Coast Guard alone is empowered to declare a SONS in the coastal zone, taking into account environmental risks, weather conditions, response capabilities, and the amount, or potential amount, of product spilled. The Coast Guard Atlantic Area Commander or First District Commander may recommend to the Commandant that a SONS be declared. Factors to be considered in declaring a SONS include:

- Multiple OSC zones, districts, or international borders affected;
- Significant impact or threat to the public health and welfare, wildlife, population, economy and/or property over a broad geographic area;
- Prolonged period of discharge and/or expected cleanup;
- Significant public concern and demand for action by parties associated with the event; and,



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- The existence of, or the potential for, a high level of political and media interest.

Once the Commandant declares a SONS, the following actions will occur:

- An Incident Area Commander will be designated.
- Other Departments/Agencies will be notified.
- A unified Area Command will be established.
- Pre-designated LANTAREA Incident Area Command staff personnel will be activated.

#### 1652 General Organization

The Incident Area Commander will have overall responsibility for strategic management of the spill event. If the response under the authority of the Incident Area Command is multi-jurisdictional, a unified Incident Area Command should be established. This arrangement allows each jurisdiction to have representation in the Incident Area Command. Representatives to the Incident Area Command would typically be at the highest executive levels within a responding organization such as a state governor or direct representative, CEO or President of the affected commercial entity. For the incident(s) under its authority, Incident Area Command has the responsibility to:

- Set the overall incident-related strategic priorities.
- Allocate critical resources based on those priorities.
- Ensure that the incident is properly managed.
- Ensure that incident objectives are met and do not conflict with each other or with agency policy.

When an Incident Area Command is established, Incident Commanders (COTPs) will report to the Incident Area Commander. The Incident Area Commander is accountable to the Commandant.

It is important to remember that Incident Area Command does not replace the Incident Command level ICS organization or functions. Incident Commanders under the designated Incident Area Commander are responsible to, and should be considered as part of, the overall Incident Area Command organization. They must be provided adequate and clear delegation of authority, especially relating to who specifically is designated as the FOSC, as per 40 CFR 300.140 (just one person is designated and acts as FOSC). This designation will change as necessary if as the adverse effects of the spill progress.

#### 1653 Incident Area Command composition

Figure 1000-4 represents a possible staffing structure for an ICS Area Command. All responders (federal, state, tribal, local and private) should be incorporated into the response organization (Figure 1000-5) at the appropriate level.

TABLE 1000-4  
UNIFIED INCIDENT AREA COMMAND CHIEFS

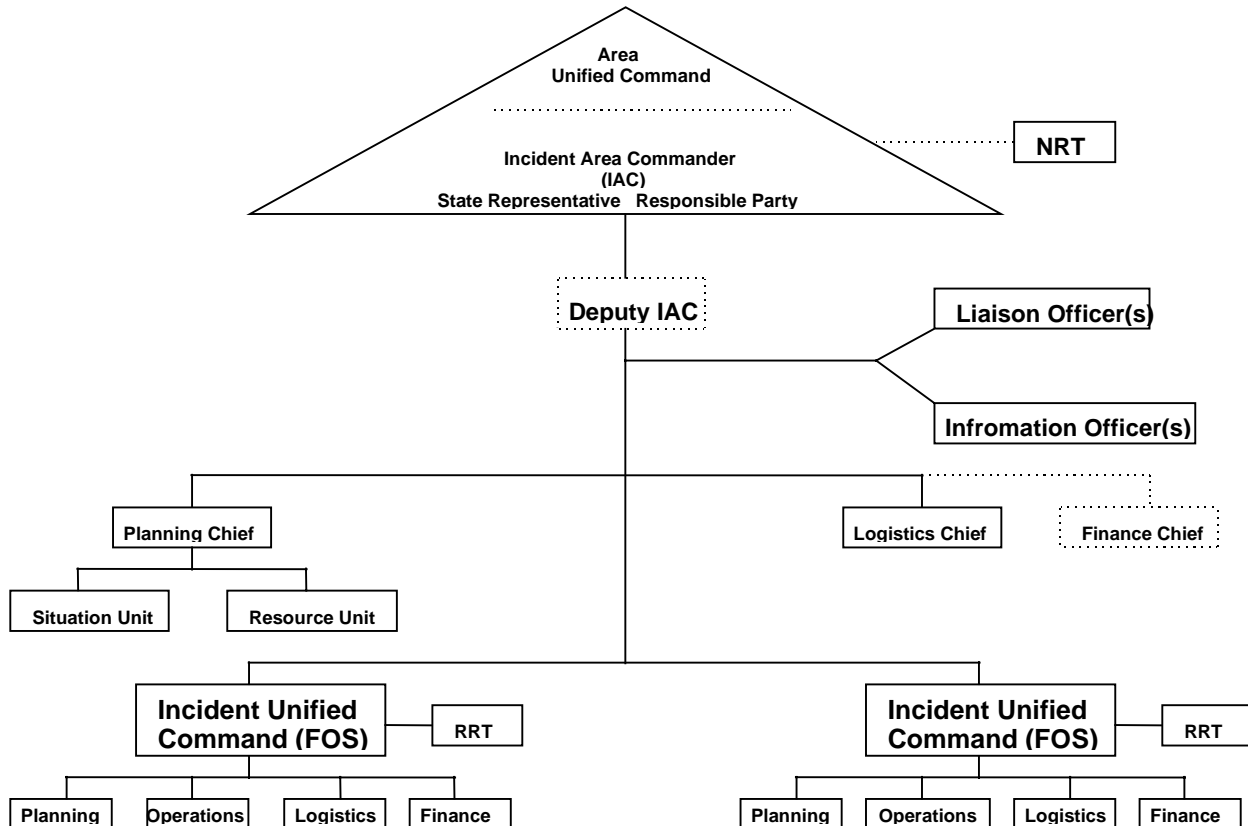
Incident Area Command Position	Suggested/Recommended Billet
Unified Incident Area Commander	USCG Area Commander
Deputy Incident Area Commander	District (d), LANT Area (Am) (O-6) G-MO (O-6), or CO NSFCC (O-6)
Liaison Officer	District (m)/RRT Co-Chair (O-6)
Information Officer	G-CP (O-6)
• Protocol Officer	G-CC (O-5)
• Public Affairs Officer	LANT Area (ACP) (O-4)
Planning Section Chief	NSFCC CO/XO (O-6/5)
• Situation Unit Leader	NSFCC PREP Team Leader (O-4)
• Resource Unit Leader	NSFCC OPS (O-4)
Logistics Section Chief	MLC LANT (O-6)



Finance/Admin Chief

NPFC (O-6)

FIGURE 1000-5  
SUGGESTED INCIDENT COMMAND SYSTEM AREA COMMAND



### **1660 Multi-Regional Spill (Lesser Event Than Sons Interoperability)**

Some major spill incidents, not significant enough to meet the SONS criteria, may still be sizable enough to affect more than one area or more than one region. If a discharge or release moves, or there is a substantial threat of its moving, from the area covered by one ACP or RCP into second area or region covered by another, the response will be carried out in accordance with the NCP, 40 CFR 300.140. That is, only one FOSC will have authority to direct the response. In determining which OSC will direct the response, prime consideration shall be given to the area vulnerable to the greatest threat. Under ordinary conditions, the two involved OSC's will confer with First District (m)/RRT Co-chair, and one another, and resolve the issue amicably, with First District (m)/RRT Co-chair "designating" the one FOSC for the incident. If there is doubt and the need arises to involve affected trustees and stakeholders, the matter will be referred and resolved by the RRT at large; or, if two regions are involved, by the NRT.

### **1661 General**

In order to ensure that the FOSC designated to respond to the incident takes into account the planning and response needs of the lesser impacted area/region, the following guidance applies:

The occurrence of a significant discharge/release in the contiguous waters of interest between two OSC's will be promptly responded to and initially assessed by the OSC in whose jurisdiction the spill occurs. The responding OSC, in assessing the potential impact of the incident, will determine, to the extent practical; the area vulnerable to the greatest threat and the potential for the trans-zone migration of pollutants.



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For those incidents where trans-zone impacts are probable, the responding OSC will promptly notify First District (m)/RRT Co-chair, who will designate a single FOSC, as indicated above. First District (m)/RRT Co-chair will also ensure appropriate notifications are made, especially to representatives from those states whose waters may be adversely impacted by that discharge/release, so as to activate all affected area and regional plans for locations threatened to be adversely affected by the spill. First District (m)/RRT Co-chair will make appropriate notifications to the RRT.

Coast Guard COTP's in adjoining areas will be directed to assist the designated FOSC by making initial notifications to states, trustees, and other stakeholders in their zones whose waters/resources have the potential of being adversely impacted by the discharge/release.

After initial notifications, the designated FOSC will more thoroughly assess the actual threat from the discharge/release and, in the meantime, will also respond or intervene, to the extent practical, to prevent the spread of the pollutant into the contiguous waters of adjoining COTP's zones. After determining the degree of impact likely, the designated FOSC will convey to adjoining COTP's and states, the level of response expected from them based on the criteria described below.

The designated FOSC, to ensure adjoining COTP's and threatened states are afforded every opportunity to efficiently and effectively communicate their planning and response priorities in mounting a proper response to the incident, will invite representatives from affected parties outside his/her zone to join his/her staff at the unified command post according to the following tiered structure:

- If "potentially affected," adjoining COTP's and threatened states will send liaison officers who will report directly to the designated FOSC's Liaison Officer.
- If "imminent threat" exists (projected impact to occur within 24 hours, based either on scientific data/trajectory or actual observation), adjoining COTP's and threatened states will send a full complement of staff members who will be assumed directly into all germane ICS functional cells, both at the command and general staff level. States will also send a State On Scene Coordinator (SOSC) rep who will become part of the Unified Command.

To facilitate information flow and sufficient communication to adjoining COTP'S, states and trustees with interest in spills due to potential adverse impacts that may result from the incident, the First District (m)/RRT Co-chair will convey the designated FOSC's daily information reports about the discharge/release to them, as well as to RRT members, using fax, NOAA e-mail, or any other means available and acceptable to the parties involved, including telephonic conference calls.

As a fail-safe method for adjoining COTP'S, threatened, states or trustees who believe the communication from the spill site is less than adequate, fallback is for each party to refer its complaint directly to the First District (m)/RRT co-chair for resolution.

**1700    RESERVED FOR AREA**

**1800    RESERVED FOR DISTRICT**

**1900    RESERVED**